

## Search Warrant Checklist

### Introduction

- ☐ DESCRIPTION OF PERSON, including aliases, dob, and physical characteristics.
- ☐ DETAILED DESCRIPTION OF PROPERTY, including outbuildings (affixed or separate), other structures, and vehicles on the curtilage of said property. Include address and description so if address is erroneous, officers can rely on description.
- ☐ VENUE: "in the City of \_\_\_\_\_, \_\_\_\_\_ County, State of Utah, there is now certain property or evidence described as"
- ☐ LIST OF ITEMS, include all the items there is probable cause to search for
  - LAST ITEM: "Any other fruits and/or instrumentalities of the crime or crimes of \_\_\_\_\_"

### Offenses

- ☐ STATEMENT OF OFFENSE(S): "Affiant believes the property and evidence described above is evidence of the crime or crimes of \_\_\_\_\_", include all of the crimes
- ☐ WHY PROPERTY IS RELEVANT. Use this specific language:  
"and that said property or evidence:  
  
has been used to commit or conceal a public offense, or  
  
is being possessed with the purpose to use it as a means of committing or concealing a public offense, or  
  
consists of an item of, or constitutes evidence of, illegal conduct, possessed by a person or entity who was or is a party to the illegal conduct, or  
  
consists of an item of, or constitutes evidence of, illegal conduct, possessed by a person or entity not a party to the illegal conduct."

### Hero Statement

- ☐ HERO STATEMENT as first paragraph of PC statement.
- ☐ Training and experience relevant to listed offenses or explaining why the facts mean something. Make sure the affiant has the necessary training and experience.

### Probable Cause

- ☐ Include probable cause for the address/person/vehicle that is listed above, e.g. "your affiant drove the C.I. to 131 Yogi Bear Drive, where you affiant observed the C.I. enter the residence. The C.I. stated that inside the residence he/she purchased methamphetamine from a guy named "Fred," a white male in his thirties with brown hair. Your affiant showed the C.I. a photograph of Fred Flinstone, DOB 1-1-00, and he/she confirmed that was the "Fred" they purchased the meth from"

- ☐ PROBABLE CAUSE FOR EACH POSSIBLE OFFENSE
- ☐ AVOID CONCLUSORY STATEMENTS – **HOW DOES YOUR AFFIANT KNOW**
- ☐ CONFIDENTIAL INFORMANT INFORMATION
  - WHY INFORMATION FROM C.I. IS RELIABLE, prior reliability, basis of knowledge
  - HOW AFFIANT HAS VERIFIED C.I.'s INFO IS CORRECT, including corroboration of “innocent” facts

### **Nighttime/No-Knock**

- ☐ DAYTIME KNOCK AND ANNOUNCE IS DEFAULT
- ☐ NIGHTTIME, articulate – usually the crime itself is not enough
  - include language such as: “at any time of the day or night because there is reason to believe it is necessary to seize the above-listed property prior to it being concealed, destroyed, damaged, or altered, or for other good reasons, to-wit: . . .”
  - Reasons may overlap with No-Knock reasons
- ☐ NO-KNOCK, one or both of the following exist, as appropriate (plus any additional factors):
  - physical harm may result to any person if notice were given, and/or,
  - the property sought to be seized may be quickly destroyed, disposed of, or secreted.
  - Reasons may overlap with Nighttime requirements

### **Signature**

- ☐ Make sure the affidavit is signed by the affiant under “oath or affirmation”

### **Search Warrant**

- ☐ PROOF language, e.g.: “Proof by Affidavit under oath having been made this day before me by Detective \_\_\_\_\_, I am satisfied that there is probable cause to believe...”
- ☐ Make sure the items in the warrant match those in the affidavit
  - DESCRIPTION OF PERSON, PROPERTY, or VEHICLE
  - VENUE
  - LIST OF ITEMS

- DAYTIME/NIGHTTIME
- KNOCK/NO-KNOCK

**Sealing**

- ☐ The search warrant is automatically sealed for 20 days. Does it need to be sealed for longer? Can seal it if making it public would:
  - Cause a substantial risk of harm to a person's safety;
  - pose a clearly unwarranted invasion of or harm to a person's reputation or privacy; or
  - pose a serious impediment to the investigation.